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APPLICATION NO. 3205422	FILING DATE 05/27/99	FIRST NAMED INVENTOR VREELAND	ATTORNEY DOCKET NO. W 5917-04-CWA
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QM12/0106

EXAMINER
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HALL, M

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 01/06/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/320,822

Applicant(s)

Willalm Vreeland, Jochen Thoene

Examiner

Melissa L. Hall

Group Art Unit

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☐ Responsive to communication(s) filed on \_\_\_\_\_

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle* 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 1-9 is/are pending in the applicant

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-9 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☒ The drawing(s) filed on 27 May 1999 is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: reference character (7) in Figure 3. Correction is required.

### ***Specification***

3. The disclosure is objected to because of the following informalities: The referenced patent number in line 12 of page 5 is not that of a valid U.S. Patent.

Appropriate correction is required.

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***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 4-6 are rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention. Evidence that claims 4-6 fail(s) to correspond in scope with that which applicant(s) regard as the invention can be found in Paper No. 1 filed May 27, 1999. In that paper, applicant has stated that the surface layer is in the range of about 10-75  $\mu\text{m}$  thick, preferably in the range of about 20-60  $\mu\text{m}$  thick and most preferably about 50  $\mu\text{m} \pm 10\%$  thick (page 4, lines 4-5), and this statement indicates that the invention is different from what is defined in the claim(s) because the claims refer to the thickness of the glide strip, which includes both a surface and middle layer as set forth in claim 1.

6. Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 9 recites the limitation "the surface layer" in the first line of the claim.

There is insufficient antecedent basis for this limitation in the claim.

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***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. As best understood, claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thoene.

Thoene discloses the same invention recited in the claims, including a razor blade unit (1) with one or more blades (3) and (4), a glide strip (7) containing a surface (8) and a middle layer (Figure 2 and column 6, lines 1-6) and a xerogel on the surface (column 5, lines 58-59) which is comprised of a homogeneous mixture of homopolymers and copolymers of polyvinyl pyrrolidone and polyurethane (column 2, lines 60-65). See Figures 1 and 2. Thoene also discloses that the xerogel becomes a lyogel with a coefficient of friction less than 0.25 upon absorption of a dispersion medium (column 2, lines 31-33).

Thoene does not disclose a polyvinyl pyrrolidone to polyurethane ratio, hereinafter PVP/PUR ratio, which is less than 3:1, less than 2.5:1 or in the range of 2.5:1 to about 1.5:1.

In column 3, lines 14-20, Thoene teaches that the greater the relative amount of polyvinyl pyrrolidone, the greater the risk that the polyvinyl pyrrolidone will dissolve out.

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In view of Thoene, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the glide strip to include a PVP/PUR ratio less than 3:1 in order to decrease the risk of the polyvinyl pyrrolidone dissolving out.

Thoene does not disclose glide strip thicknesses of 10-75  $\mu\text{m}$ , 20-60  $\mu\text{m}$  or 50  $\mu\text{m} \pm 10\%$ .

In column 3, lines 34-43, Thoene teaches the use of xerogel coating thickness in the range of 5-150  $\mu\text{m}$  and discloses that thicknesses greater than 150  $\mu\text{m}$  may will result in material losses caused by abrasion. It would have been obvious to on of ordinary skill in the art at the time include a xerogel coating thickness in this range in order to avoid losses of material due to abrasive forces.

9. Claims 1-3 and 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thoene in view of Creasy.

Thoene discloses the invention substantially as claimed, including a razor blade unit (1) with one or more blades (3) and (4), a glide strip (7) containing a surface (8) and a middle layer (Figure 2 and column 6, lines 1-6) and a xerogel on the surface (column 5, lines 58-59) which is comprised of a homogeneous mixture of homopolymers and copolymers of polyvinyl pyrrolidone and polyurethane (column 2, lines 60-65). See Figures 1 and 2. Thoene also discloses that the xerogel becomes a lyogel with a coefficient of friction less than 0.25 upon absorption of a dispersion medium (column 2, lines 31-33).

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However, Thoene does not disclose a PVP/PUR ratio which is less than 3:1, less than 2.5:1 or in the range of 2.5:1 to 1.5:1, or a xerogel containing one or more shaving aids.

Creasy teaches the use of polyurethane/polyvinyl pyrrolidone blends in razor glide strip applications into which additional materials, such as dyes, fragrances, and biologically active substances having therapeutic value, can be incorporated (column 7, lines 46-60).

In view of Creasy, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Thoene to include PVP/PUR ratios to which additional materials could be added in order to provide a shaving aid within the glide strip, such as aloe or a fragrance, which would provide added benefit to the user.

10. As best understood, claims 4-6 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thoene in view of Creasy as applied to claim 3 above, and further in view of Welsh.

In view of Creasy, Thoene discloses the invention substantially as recited in the claims with the exception of glide strip thicknesses of 10-75  $\mu\text{m}$ , 20-60  $\mu\text{m}$  and 50  $\mu\text{m}$   $\pm 10\%$  and a glide strip with a surface layer of a first color and a middle layer of a second, different color.

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Welsh teaches the use of a two color hydrogel shaving aid composite formed by applying a first coating of first color and a second coating of a second color as a wear indicator for a razor (column 8, lines 19-23). Welsh discloses that the two color system of wear indication may be used in any of a variety of shaving aid composites (column 3, lines 34-38). Welsh also discloses that the thickness of the coatings are selected such that sufficient wearing occurs during the useful life of the corresponding blade so that the second color is indicative of the limited remaining available useful life of the product (column 8, lines 23-27).

In view of Welsh, it would have been obvious to one of ordinary skill in the art at the time the invention was to further modify the glide strip of Thoene to include different colored layers of a sufficient thickness in order to provide the user with a visual indication of the relative usage of the razor.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Doroodian-Shoja Siamak and Perricone are cited to show similar devices. Chadwick is further cited to show the state of the art.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melissa L. Hall whose telephone number is



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(703) 308-8355. The examiner can normally be reached on Monday-Thursday from 6:30 am to 4:00 pm. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada, can be reached on (703) 308-2187. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3579.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.



Rinaldi I. Rada  
Supervisory Patent Examiner  
Group 3700

mlh *MUH*  
December 28, 1999